

1 THE HONORABLE RICHARD A. JONES
2
3
4
5
6

7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 BLACK LIVES MATTER SEATTLE-
11 KING COUNTY, ABIE EKENEZAR,
12 SHARON SAKAMOTO, MURACO
13 KYASHNA-TOCHA, ALEXANDER
14 WOLDEAB, NATHALIE GRAHAM,
15 AND ALEXANDRA CHEN,

16 Plaintiffs,

17 v.

18 CITY OF SEATTLE,

19 Defendant.

20 No. 2:20-cv-00887-RAJ

21 DECLARATION OF ASHTON EBY

22 I, Ashton Eby, declare and state as follows:

23 1. The information contained in this declaration is true and correct to the best of my
24 knowledge, and I am of majority age and competent to testify about the matters set forth herein.

25 2. I have been peacefully protesting in defense of Black Lives in Seattle since
26 May 30, 2020.

27 3. I was at the Labor Day march to the Seattle Police Officers' Guild (SPOG), the
28 police union.

29 4. The march to SPOG was calm and uneventful. The crowd did not give the police
30 any reason to take action against us.

1 5. When we arrived at SPOG, a line of protesters linked arms in the street facing
2 SPOG. My partner, Madison Lynn Haughie, and I were further back in the crowd; I was in the
3 third row, with Madison a row or two behind me.

4 6. Almost immediately, we heard the country song “Save a Horse, Ride a Cowboy”
5 by Big & Rich being played loudly from the direction of the SPOG building. As we were
6 wondering what that was about, a huge wave of SPD officers on bikes—roughly 80 officers—
7 rode into the edge of the protest line. They arrived in a staggered manner, with the first bike
8 officer hitting the right side, the next officers hitting close to that one, and so on down the line.
9 They dismounted and raised their bikes in the air, and immediately began shoving and
10 bludgeoning the crowd with them, pressing their bikes into the crowd at head height.

11 7. I saw a canister of gas go off in the crowd. I don’t know what kind of chemicals it
12 contained, but ochre-colored gas was spewing upwards with extreme pressure. It was not
13 directed at any particular person; it formed a cloud that covered a fairly large swath of the
14 protest. Although I was wearing goggles and a respirator, the goggles were vented, not air-tight,
15 and some of the gas got into my eyes. I lost vision in my right eye due to chemical irritation—it
16 was inflamed, teared up, and I began blinking rapidly for about 30 seconds.

17 8. Police also almost immediately began coating protesters’ umbrellas and shields in
18 pepper spray and then snatching away the umbrellas and shields and spraying the now-
19 defenseless front line of protesters with pepper spray. I saw SPD do this at 3 or 4 different points
20 along the crowd during their initial attack.

21 9. SPD’s advance crushed the crowd of protesters into a wedge. People were moving
22 in a panic with nowhere they could escape to, tripping and falling. My partner and I got
23 separated in the chaos.

1 10. The police began pushing protesters near me into a parking lot across the street
2 from SPOG, and formed a police line to funnel protesters onto the sidewalk, pushing us north.
3 We were caught between lines of bike cops and a wall. Further north, protesters had moved back
4 out into the street and we were eventually able to join them after the line of bike cops pushing us
5 onto the sidewalk ended. While police were shoving us around, I felt like livestock. There was a
6 sense of impending doom as we moved through the thin funnel police were moving us through.
7

8 11. I saw police grabbing people who fell and arresting them. I continuously felt like I
9 was in danger of being pepper sprayed and arrested if I got separated from the crowd.

10 12. SPD formed a line along half of Fourth Avenue, forcing the protesters to occupy
11 the other side of the street and start moving down Fourth. Bike police kept moving ahead so that
12 they were always ahead of us as we approached an intersection, blocking off any escape route.
13

14 13. At one point while we were retreating, I was in the back row facing the police line
15 and walking backwards as fast as I could. Officers grew impatient with how slowly we were
16 moving and kept ramming their bikes into our shins. I had linked arms with another protester,
17 who put his hand in his pocket. I watched an SPD officer grasp his service pistol with his thumb
18 on the holster release, ordering my fellow protester to get his hand out of his pocket.
19

20 14. A few blocks away from the parking lot, I was able to reunite with my partner,
21 Madison, on Fourth Avenue. She had been pepper sprayed. She didn't have on as much
22 protective gear as I did, and she was really injured. She was screaming in pain because it was in
23 her eyes. And she's asthmatic, and began to wheeze.

24 15. I saw approximately five people identifiable as medics at the protest, and other
25 people with saline, but the police were forcing us to move so quickly that for a while no one
26 could pause to rinse Madison's eyes out without risking of falling behind and getting arrested. I

1 felt so powerless to help her. Police clearly did not care about anyone's injuries, and wouldn't
2 even let us help each other.

3 16. Madison had difficulty walking because of the combination of difficulty
4 breathing, difficulty seeing, and pain. I held her arm for most of this time to support her and
5 guide her around obstacles and curbs that she could not see.

6 17. Eventually, when we reached S. Holgate St., a volunteer medic with a spray bottle
7 treated her eyes while walking backwards and watching the police.

8 18. At some point a different medic approached us to ask Madison if she was okay.
9 She started to cry and said she was not. While we continued to walk, the medic walked
10 backwards with us, watching the approaching police line of bikes and patrol vehicles, trying to
11 decide how to extricate ourselves from the forced march so we could take care of Madison.
12 Eventually, since Madison was having too much trouble breathing to continue, the medic told us
13 to sit by the edge of the road and hope for the best. At this point, we were on S. Dearborn St.,
14 more than two miles from SPOG. He flagged down another medic to examine Madison. Five
15 SPD officers quickly encircled us, telling us we needed to keep moving. One of the medics said
16 we needed EMS, and the SPD officers finally stopped harassing us and allowed us to stay on the
17 side of the road while everyone else moved forward.

18 19. We rested on the side of the road to await EMS. The volunteer medics were trying
19 to keep Madison vocal because she kept lapsing in and out of consciousness. We waited for
20 between 5 and 12 minutes. While we waited, Madison suddenly lost muscle control and became
21 100% dead weight. A medic palpitated her chest until she sputtered and sat up. The medic,
22 clearly very concerned about her condition, told Madison "don't do that to me again." The medic

1 listened to her heart, her breathing, and administered an Albuterol inhaler. The medic asked
2 Madison about her medical history.

3 20. Finally an SPD medic responder showed up. I had a short conversation with him
4 and one of the volunteer medics. The volunteer medic asked the SPD medic if they had any
5 oxygen, and the SPD medic responded that he had it but wasn't trained or certified to use it in the
6 field, so the volunteer medic would have to be the point of care.

7 21. The volunteer medic administered the oxygen, which resulted in slight recovery,
8 and another hit of the inhaler. The SPD medic attempted to do an eye tracking and dilation test
9 with a flashlight, but Madison could barely hold her eyelids open. After a few more minutes, the
10 oxygen and rest helped.

11 22. Finally, Medic One – the Fire Department ambulance – arrived with two doctors
12 who talked with the volunteer medic about how to treat Madison. As we rested, Madison began
13 to improve. We declined to go to the hospital, preferring to go home where we had a nebulizer.

14 23. At home, Madison seemed very tired and out of it, and we went to bed early.

15 24. There was no reason for SPD to use less-lethal weapons at this protest. There was
16 no reason for police break up the protest. SPD didn't give us a dispersal order before attacking
17 us, and when we were trying to disperse so we could go home and tend to our injuries, they
18 wouldn't let us. And there was no reason to make us march more than two miles away from
19 SPOG. To me, it seemed that the message police were sending was just that we do not have the
20 right to protest outside of their union.

1 Executed this 27th day of September 2020 at SEATTLE, WASHINGTON.
2
3 I declare under penalty of perjury under the laws of the United States and the State of
4 Washington that the foregoing is true and correct.
5



6 By: Ashton Eby
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26